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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,703	03/30/2004	Ralph E. Wesinger JR.	NES-014COB	8091

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EXAMINER

HAQ, NAEEM U

ART UNIT PAPER NUMBER

3625

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/813,703

Applicant(s)

WESINGER ET AL.

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/31/2005, 5/11/2005,
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*W*

## **DETAILED ACTION**

### ***Priority***

Applicants' claim to priority to co-pending applications (10/703,823), (09/952,985) (09/110,708) and (08/572,543) is denied because the invention claimed in the current application lacks proper support in these earlier filed applications. Accordingly, the examiner will use the filing date of the current application (March 30, 2004) as the earliest priority date of the claimed invention.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-12 and 14-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims recite the limitation "mini homepage". It is unclear to the examiner how a "mini homepage" differs from any other homepage or web page. The Applicants' specification discloses that Figures 2N and 2O show a "mini homepage" (see paragraph [0039]). However, these figures show nothing more than a standard web page with text. . . . For examination purposes the examiner will assume that a "mini homepage" is a standard web page with text as disclosed in the Applicants' specification.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 1, 2, 13, 14, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bezos et al. (US 6,029,141) hereafter referred to as Bezos.**

Referring to claim 1: Bezos teaches a method for facilitating an online transaction comprising: associating, by a web site, a user ID with a user (col. 8, lines 17-31); presenting to the user a page, said page including at least one item to be purchased and an icon for invoking a purchase service (col. 6, lines 59 – col. 7, line 12); clicking on said icon by the user, thereby invoking said purchase service for said item to be purchased (col. 7, lines 12-20; col. 11, lines 43-62); creating a Transaction ID corresponding to said items to be purchased (col. 7, lines 21-30); associating, by said purchase service: customer information corresponding to said User ID (col. 13, lines 42-67); purchase information corresponding to said Transaction ID (col. 12, line 52 – col. 13, line 8); and completing said online transaction for said items to be purchased (col. 14, lines 38-41).

Referring to claim 2: Bezos teaches that said page comprises mini homepage corresponding to said user (Figures 6, 8, 9, 10a, 10b, and 10c).

Referring to claims 13 and 25: These claims are rejected by the same rationale set forth above in claim 1.

Referring to claim 14: This claim is rejected by the same rationale set forth above in claim 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-10 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos in view of Hartman et al. (US 5,960,411) hereafter referred to as Hartman.**

Referring to claims 3-9: Bezos teaches all the limitations of claims 1 and 2 as noted above. Bezos does not teach that the mini page includes customer information corresponding to the user such as credit card information, that the online transaction is completed using said credit card information, that the shipping information corresponding to said User ID is associated by the purchase service, that the item is shipped to a location corresponding to said shipping information, that information may be updated by said user only after receiving a proper password from said user, or that the mini homepage includes content predefined by said user. However, Hartman teaches these limitations. Hartman teaches a method and system for conducting a commercial transaction over a network that displays a customer's credit card information on a web page and uses said credit card to complete an online transaction (Figure 1C; col. 7, lines 4-17), associates shipping information to user and ships the item to a location corresponding to said shipping information (col. 4, lines 49-58; col. 5, lines 27-55; Figure 1C), allows users to update information only after receiving a proper

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password from said user (col. 4, lines 49-58), and includes content predefined by said user (Figures 8A, 8B, and 8C). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Hartman into the invention of Bezos. One of ordinary skill in the art would have been motivated to do so in order to reduce the number of user interactions needed to place an order as taught by Hartman (col. 3, lines 31-37).

Referring to claim 10: Bezos and Hartman do not teach that the information includes an email address corresponding to the user. However, the Examiner notes that this limitation is not functionally involved in the steps of the recited method or system claims. Therefore this limitation is deemed to be nonfunctional descriptive material. The steps of associating, presenting, clicking, creating, and completing would be performed the same regardless of what information the web page contained. The differences between the content of the Applicants, page and the prior art are merely subjective. Thus this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) also see MPEP 2106. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to place any information in the web page of the prior art because such information does not functionally relate to the steps or elements of the claimed method and system and because the subjective interpretation of information does not patentably distinguish the claimed invention.

Referring to claims 15-21: These claims are rejected by the same rationale set forth above in claims 3-9.

Referring to claim 22: This claim is rejected by the same rationale set forth above in claim 10.

**Claims 11, 12, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos in view of Hartman et al. (US 5,960,411) hereafter referred to as Hartman and further in view of Official Notice.**

Referring to claims 11 and 12: The prior art teaches or suggests all the limitations of claim 10 as noted above. The prior art does not teach that the web site utilizes an email address to identify a user, or that a password is supplied to said email address at the request of said user. However, Official Notice is taken that it is old and well known in the art to identify a user by an email address and to supply a password to said email address at the request of the user. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate these features into the prior art. One of ordinary skill in the art would have been motivated to do so in order to secure a user's personal information as taught by Hartman (col. 1, line 66 – col. 2, line 16).

Referring to claim 23 and 24: These claims are rejected by the same rationale set forth above in claims 11 and 12.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571)-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naeem Haq, Patent Examiner  
Art Unit 3625

August 6, 2005



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